



24, 2007. (Doc. 31). As noted above, Judge Hodge did not issue his recommendation until August 5, 2008. (Doc. 33). It is beyond suspect that Petitioner now notifies the Court, some eight (8) months after the filing of Respondents Motion to Dismiss, that he did not have access to a law library. Petitioner was not diligent in notifying the Court of his alleged need of additional time to secure proper legal resources. Therefore, it would be prejudicial and unjust to deny Respondent's motion simply because Petitioner now claims, at this late date, that he did not have access to a law library. Plaintiff did not take reasonable and timely action to inform the Court of his alleged circumstances. Plaintiffs objections are therefore **OVERRULED**.

Accordingly, upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 33) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the findings made, reasons stated and conclusions reached herein. Therefore, Respondent's Motion to Dismiss (Doc. 23) is **GRANTED**.

**SO ORDERED**, this 12<sup>th</sup> day of September, 2008.

/s/W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**